

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13192, as amended, of the Government of the District of Columbia, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue to operate a parking lot in an SP-2 District at the premises 1301-1311 N Street, N.W., (Square 243, Lot 826).

HEARING DATES: March 9, 1980 and May 21, 1980  
DECISION DATES: April 2, 1980 and June 4, 1980

FINDINGS OF FACT:

1. At the public hearing of March 19, 1980, the Board waived, for good cause shown, the requirements of Section 3.33 of the Supplemental Rules of Practice and Procedure before the BZA which requires that the property shall be posted with notice of the public hearing at least ten days in advance of the hearing and that an affidavit to that effect shall be filed not less than five days prior to the public hearing. In the subject application the property was posted nine days and the affidavit was filed two days prior to the hearing. There was no opposition to the Board's waiver of the Rules.
2. The subject site is located at the north-west corner of the intersection of 13th and N Streets, N.W. and is known as 1301-1311 N Street, N.W. It is in an SP-2 District.
3. The subject site was first approved as a parking lot for a period of five years by BZA Order No. 9883, dated March 7, 1969. By BZA Order No. 12227 dated March 21, 1977, the lot was again approved for a period of three years.
4. In 1975 the subject lot was given as a gift to the District of Columbia Government. The applicant testified that there were no immediate plans for the future of the lot as to whether it would be put to a housing use for D.C. residents or be sold.

5. The subject lot provides eighty parking spaces. The lot is open from 6:00 a.m. to 6:30 p.m., from Monday through Friday. On week-ends and at night it is chained off. The applicant testified that it is cleaned and maintained regularly. There is an attendant on the lot. The applicant further testified that no complaints were received about the maintenance and operation of the lot.

6. The applicant testified that the lot is in compliance with all the provisions of Article 74 of the Zoning Regulations and the conditions of the Board's former Orders.

7. To the north of the subject parking lot is a vacant structure. To the west is a vacant parking lot followed by an apartment house. Across the street from the parking lot is a funeral home. There are three other parking lots in the immediate vicinity. On weekends the parking lot is used without charge by the funeral home. The immediate neighborhood is a mixture of commercial and residential uses. There are few shops or stores in the area.

8. The applicant testified that approximately twenty of the eighty parking spaces are under monthly contract for all day commuter parking. The remaining sixty spaces are used for short term parking. The Board granted permission to the applicant to amend its application to include a variance from Sub-paragraph 4101.413, a prohibition against all-day commuter parking.

9. There were no objections to the application at the public hearing or of record.

10. Advisory Neighborhood Commission - 2A made no recommendation on the application.

#### CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking a special exception and a use variance. As to the special exception the Board concludes that the applicant has substantially complied with the requirements of Paragraph 4101.41 of the Zoning Regulations and that the special exception, as hereinafter conditioned, can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. As to the use variance, the variance to permit all-day commuter parking, this requires a showing of a hardship upon the owner of the property that arises from the property itself. The Board notes that approximately one fourth of the subject parking lot is used for commuter

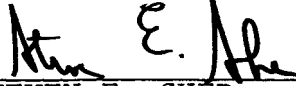
parking, that the other uses in the near vicinity of the subject parking lot do not generate short term parking needs and that there are three other parking lots in the immediate vicinity. The Board concludes that the hardship is inherent in the property itself. The Board further concludes that the variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED in its entirety SUBJECT to the FOLLOWING CONDITIONS:

- a. Approval shall be for a period of TWO YEARS from the date of the expiration of the previous Certificate of Occupancy, namely March 21, 1980.
- b. The applicant shall provide parking at the ratio of sixty spaces devoted to short term parking and twenty spaces devoted to all-day commuter parking.
- c. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- d. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- f. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- g. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- h. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 3-0 (John G. Parsons, William F. McIntosh, and Connie Fortune to GRANT; Leonard L. McCants ABSTAINED, Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 28 JUL 1980

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."